

Article - Environment

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§9–413.

(a) A person who willfully violates § 9–412(a)(4) or (5) of this subtitle is subject to a civil penalty of up to \$5,000 for each day on which the violation exists.

(b) A person who violates § 9–412(a)(1), (2), or (3) of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 for each day on which the violation occurs or failure to comply continues.

(c) In an action brought in the appropriate court to enforce the order, a person who willfully violates or fails or refuses to comply with any order issued by the Secretary under this subtitle may be fined not more than \$5,000 for each day on which the violation occurs or failure to comply continues.

(d) (1) In addition to any other remedies available at law and after an opportunity for a hearing, which may be waived in writing by the person accused of a violation, the Department may impose a penalty for violation of any provision of this subtitle or any order, regulation, or plan adopted or issued under this subtitle.

(2) The penalty imposed on a supplier of water serving a population of more than 10,000 under this subsection shall be:

(i) Up to \$1,000 per day for each violation, but not exceeding \$25,000 total for each violation; and

(ii) Assessed with consideration given to:

1. The willfulness of the violation, the extent to which the existence of the violation was known to but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

2. Any actual harm to the environment or to human health, including injury to or impairment of the use of the waters of this State or the natural resources of the State;

3. The cost of cleanup and the cost of restoration of natural resources;

4. The nature and degree of injury to or interference with general welfare, health, and property;

5. The extent to which the location of the violation, including location near waters of this State or areas of human population, creates the potential for harm to the environment or to human health or safety;

6. The available technology and economic reasonableness of controlling, reducing, or eliminating the violation;

7. The degree of hazard posed by the particular pollutant or pollutants involved;

8. The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator; and

9. Whether or not penalties were assessed or will be assessed under other provisions of this subtitle.

(3) The penalty imposed on a supplier of water serving a population of 3,301 to 10,000 under this subsection shall be:

(i) Up to \$500 per day for each violation, but not exceeding \$12,500 total for each violation; and

(ii) Assessed with consideration given to the factors set forth in paragraph (2)(ii) of this subsection.

(4) The penalty imposed on a supplier of water serving a population of 501 to 3,300 under this subsection shall be:

(i) Up to \$250 per day for each violation, but not exceeding \$6,250 total for each violation; and

(ii) Assessed with consideration given to the factors set forth in paragraph (2)(ii) of this subsection.

(5) The penalty imposed on a supplier of water serving a population of 500 or less under this subsection shall be:

(i) Up to \$100 per day for each violation, but not exceeding \$5,000 total for each violation; and

(ii) Assessed with consideration given to the factors set forth in paragraph (2)(ii) of this subsection.

(6) Each day a violation occurs is a separate violation under this subsection.

(7) Any penalty imposed under this subsection is payable to the State and collectible in any manner provided at law for the collection of penalties.

(8) All penalties collected under this subtitle shall be paid into the Maryland Clean Water Fund created under § 9–320 of this title.

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